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HOAG LLP**  
ATTORNEYS AT LAW

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SEP 22 2005**

## Fax

Date: September 22, 2005

To: U.S. Patent and Trademark Fax #: (571) 273-8300 Confirm#:

Office

Client Matter#: 24922-1303 (ISA-013.03)

|  |                       |              |
|--|-----------------------|--------------|
| From: Béth E. Arnold                         | Sender's Number: 1294 | User #: 3607 |
| Total Pages Sent (Including Cover Sheet): 14 | Office: Boston        |              |

### Message

Re: U.S. Patent Application No. 09/752,514  
 Filed: January 3, 2001  
 Inventor(s): Gary Klinefelter  
 Title: METHOD FOR EVALUATING AND AFFECTING MALE FERTILITY  
 Our Ref.: ISA-013.03 (24922-1303)

Transmitted herewith are the following documents:

Petition to the Director to Withdraw the Holding of Abandonment under 37 C.F.R.  
 § 1.181 (3 pages);  
 Exhibit A (3 pages);  
 Exhibit B (1 page);  
 Exhibit C (6 pages); and  
 This fax cover sheet.

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**SEP 23 2005**

### IMPORTANT - PLEASE READ

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE SENDER.

BOSTON / 155 Seaport Boulevard / Boston, Massachusetts 02210-2800 / TEL: 617.832.1000 / FAX: 617.832.7000  
 WASHINGTON, DC / 1747 Pennsylvania Ave., NW / Suite 1200 / Washington, DC 20006-4604 / TEL: 202.223.1200 / FAX: 202.785.6687  
 Foley Hoag LLP [www.foleyhoag.com](http://www.foleyhoag.com)

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SEP 22 2005

PATENTS  
Attorney Docket No. ISA-013.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary Klinefelter )  
Application No: 09/752,514 )  
Filed: January 3, 2001 )  
For: METHOD FOR EVALUATING AND )  
AFFECTING MALE FERTILITY )  
Art Unit: 1644  
Confirmation No.: 9981  
Examiner: Nolan, Patrick J.

**CERTIFICATE OF MAILING/TRANSMISSION**

I hereby certify that the correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 22, 2005.

*Patricia Henderson*

Patricia Henderson

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO THE DIRECTOR TO WITHDRAW THE HOLDING OF  
ABANDONMENT UNDER 37 C.F.R. § 1.181**

Applicant hereby petitions the Director to withdraw the holding of abandonment for failure to timely pay the issue-transmittal fee in response to the Notice of Allowance mailed on September 30, 2004.

On December 29, 2004, Applicant mailed the Issue Fee Transmittal authorizing the Examiner to charge Applicant's deposit account (Number 06-1448) for the total amount of fees due. A copy of the Issue Fee Transmittal is attached hereto as Exhibit A.

**PATENTS**  
Attorney Docket No. ISA-013.03

Beginning on May 2, 2005, Applicant routinely called the PTO publications branch for status updates regarding issuance of the above-identified application. On August 22, 2005, Applicant spoke with Ms. Cheryl McCloud from the Publications Branch. Ms. McCloud informed the Applicant that the above-identified application was abandoned for failure to pay the issue fee.

On August 22, 2005, Applicants identified a document entitled "Notice of Fee Due" on the Image File Wrapper system dated January 4, 2005. This notice indicates that 1) there were insufficient funds in the Applicant's deposit account and 2) there was non-authorization for charging the Applicant's deposit account. A copy of the Notice of Fee Due is attached hereto as Exhibit B.

On January 4, 2005, Applicant's deposit account contained funds sufficient to cover the issue fees due in the above-identified application. A copy of the Applicant's deposit account statement from December 1, 2004-January 11, 2005 is attached hereto as Exhibit C.

Applicant further declares that between December 29, 2004 and January 11, 2005, there is no indication on the Applicant's Deposit Account Statement (attached as Exhibit C) that the Office accessed the Applicant's deposit account to charge the Issue Fee in the above-identified application.

Applicants have not received a notice of abandonment from the Patent Office.

Applicants concurrently submit evidence in a Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 C.F.R. § 1.137(a) that the Applicants deposit contained sufficient funds to cover the issue fees between the time of the response and January 4, 2005.

On the basis of these facts, Applicant respectfully petitions and requests that the holding of abandonment be withdrawn and the application be allowed to pass to issue.

PATENTS  
Attorney Docket No. ISA-013.03

It is believed that no petition fee is required. However, if any fee is due, the Commissioner is authorized to charge any amounts due to our Deposit Account No. 06-1448, Reference ISA-013.03.

Respectfully submitted,



Date: September 22, 2005  
*Customer No: 25181*  
Patent Group  
Foley Hoag, LLP  
155 Seaport Blvd.  
Boston, MA 02210-2600

Beth E. Arnold, Reg. No. 35,430  
Attorney for Applicant  
Tel. No. (617) 832-1294  
Fax. No. (617) 832-7000



## PART B - FEE(S) TRANSMITTAL

Exhibit A

Complete and send this form, together with applicable fee(s), to: Mail

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

or Fax (703) 746-4000

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence, including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

25181 7590 09/30/2004

**FOLEY HOAG, LLP**  
**PATENT GROUP, WORLD TRADE CENTER WEST**  
**155 SEAPORT BLVD**  
**BOSTON, MA 02110**

Note. A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

|                   |                 |
|-------------------|-----------------|
| John Barrett      | (Signer's name) |
| (Signature)       |                 |
| December 29, 2004 | (Date)          |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/752,514      | 01/03/2001  | Gary Klaefelter      | KLINEPELTER-1C      | 998              |

TITLE OF INVENTION: METHOD FOR EVALUATING AND AFFECTING MALE FERTILITY

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO           | \$1330    | \$300           | \$1630           | 12/30/2004 |

| EXAMINER         | ART UNIT | CLASS-SUBCLASS |
|------------------|----------|----------------|
| NOLAN, PATRICK J | 1644     | 530-387900     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47, Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Foley Hoag, LLP

2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

The Government of the United States of America Washington, D.C.  
U.S. Environmental Protection Agency

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

- Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies 10

4b. Payment of Fee(s):

- A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 011470 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date December 29, 2004

Typed or printed name Beth E. Arnold

Registration No. 35,430

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and transmitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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SEP 22 2005

PATENTS  
Attorney Docket No. ISA-013.03



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                       |   |   |
|-----------------------|---|---|
| In re Application of: | )   |   |
| Gary Klinefelter      | )   |   |
| Application No:       | 09/752,514  | ) |
| Filed:                | January 3, 2001                                       | ) |
| For:                  | METHOD FOR EVALUATING AND<br>AFFECTING MALE FERTILITY | ) |

Art Unit: 1644  
Confirmation No.: 9981  
Examiner: Nolan, Patrick J.

CERTIFICATE OF MAILING

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 29, 2004.

John R. Barretto

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

ISSUE-FEE TRANSMITTAL

In response to the September 30, 2004, Notice of Allowance of the above-identified patent application, we enclose Form PTOL-85. Please charge the total amount of \$1,730.00 to cover the issue fee of \$1,400.00, publication fee of \$300.00, and a fee of \$30.00 for ten soft copies, to our Deposit Account No. 06-1448, Reference ISA-013.03.

PATENTS  
Attorney Docket No. ISA-013.03

Although we believe that we have appropriately provided for any fees due in connection with this submission, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to our **Deposit Account No. 06-1448, Reference ISA-013.03.**

Respectfully submitted,



Beth E. Arnold, Reg. No. 35,430  
Attorney for Applicant  
Tel. No. (617) 832-1294  
Fax. No. (617) 832-7000

Date: December 29, 2004  
*Customer No: 25181*  
Patent Group  
Foley Hoag, LLP  
155 Seaport Blvd.  
Boston, MA 02210-2600

**Exhibit B****NOTICE OF FEE DUE**

DATE:

01-04-05

TO:

Issue Fee

FROM:

Office of Initial Patent Examination.

SUBJECT:

Fee Due

APPLICATION NUMBER

09 752 514

A fee is due for the attached document submitted to the U.S. Patent and Trademark Office for the following reason. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the Appropriate fee. If an authorization is not present, notify the applicant of the fee deficiency.

 Insufficient fee by check Insufficient funds in deposit amount Declined credit card Non-authorization for charge to deposit account No fee submitted per requirementThe correct fee code: 1501+1504+800/ amount \$ 1730

The suspended fee code: 1999 amount \$ \_\_\_\_\_

Fee Due \_\_\_\_\_ amount \$ 1730

If you have any questions, please contact Cynthia Streeter at 703-306-5430 or  
Eleanor Kuntz 703-308-3642

Terminal Operator

Abby

## Deposit Account Statement

Page 1 of 4



**United States  
Patent and  
Trademark Office**

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**Exhibit C****Deposit Account Statement**

**Requested Statement Month:** December 2004  
**Deposit Account Number:** 061448  
**Name:** FOLEY,HOAG & ELIOT LLP  
**Attention:** PATENT GROUP  
**Address:** 155 SEAPORT BLVD  
**City:** BOSTON  
**State:** MA  
**Zip:** 02109  
**Country:** UNITED STATES OF AMERICA

| DATE SEQ  | POSTING REF TXT | ATTORNEY DOCKET NBR      | FEES CODE | AMT        | BAL         |
|-----------|-----------------|--------------------------|-----------|------------|-------------|
| 12/01 15  | 29209705        | CAL-736.01 (22450-73601) | 2051      | \$65.00    | \$30,338.00 |
| 12/01 18  | 10716391        | HAE-001.01               | 2001      | \$385.00   | \$29,953.00 |
| 12/01 19  | 10716391        | HAE-001.01               | 2202      | \$342.00   | \$29,611.00 |
| 12/01 20  | 10716391        | HAE-001.01               | 2201      | \$172.00   | \$29,439.00 |
| 12/01 21  | 10716391        | HAE-001.01               | 2051      | \$65.00    | \$29,374.00 |
| 12/01 59  | 09773115        | 12835IDUS01U             | 2801      | \$395.00   | \$28,979.00 |
| 12/01 60  | 09773115        | 12835IDUS01U             | 2252      | \$215.00   | \$28,764.00 |
| 12/03 172 | 11001546        | PPK-003.01               | 2001      | \$395.00   | \$28,369.00 |
| 12/03 173 | 11001546        | PPK-003.01               | 2202      | \$135.00   | \$28,234.00 |
| 12/06 1   | 10097125        |                          | 2251      | \$55.00    | \$28,179.00 |
| 12/06 91  | 10184204        |                          | 8021      | \$40.00    | \$28,139.00 |
| 12/06 231 | 10516053        | ISA-031.01               | 1610      | \$790.00   | \$27,349.00 |
| 12/06 232 | 10516053        | ISA-031.01               | 1615      | \$432.00   | \$26,917.00 |
| 12/06 233 | 10516053        | ISA-031.01               | 8021      | \$40.00    | \$26,877.00 |
| 12/07 8   | 10897387        | ISA-013.04               | 1001      | \$790.00   | \$26,087.00 |
| 12/07 9   | 10897387        | ISA-013.04               | 1201      | \$176.00   | \$25,911.00 |
| 12/07 10  | 10897387        | ISA-013.04               | 1202      | \$360.00   | \$25,551.00 |
| 12/07 11  | 10897387        | ISA-013.04               | 1051      | \$130.00   | \$25,421.00 |
| 12/07 331 | 10897387        |                          | 8021      | \$40.00    | \$25,381.00 |
| 12/08 110 | 60554262        | TRA-009.60               | 8021      | \$40.00    | \$25,341.00 |
| 12/08 153 | 10500795        | GPT-030.01               | 2251      | \$55.00    | \$25,286.00 |
| 12/08 154 | 10500795        | GPT-030.01               | 2617      | \$65.00    | \$25,221.00 |
| 12/09 3   | 11005620        | KVC-055.02               | 1001      | \$790.00   | \$24,431.00 |
| 12/09 4   | 11005620        | KVC-055.02               | 1201      | \$88.00    | \$24,343.00 |
| 12/09 96  | 10771519        | SPV-041.03               | 1463      | \$70.00    | \$24,273.00 |
| 12/10 2   | 10304617        |                          | 1254      | \$1,530.00 | \$22,743.00 |
| 12/10 3   | 10304617        |                          | 1201      | \$88.00    | \$22,655.00 |

## Deposit Account Statement

Page 2 of 4

|           |                |                         |      |              |             |
|-----------|----------------|-------------------------|------|--------------|-------------|
| 12/10 4   | 10304422       |                         | 1254 | \$1,530.00   | \$21,125.00 |
| 12/10 5   | 10304422       |                         | 1201 | \$88.00      | \$21,037.00 |
| 12/10 97  | 10500795       |                         | 8021 | \$40.00      | \$20,997.00 |
| 12/10 102 | 09609881       | 105019-0006             | 2501 | \$700.00     | \$20,297.00 |
| 12/10 393 | PCT/US04/40729 | MTV-069.25              | 1601 | \$300.00     | \$19,997.00 |
| 12/10 394 | PCT/US04/40729 | MTV-069.25              | 1704 | \$1,920.00   | \$18,077.00 |
| 12/10 395 | PCT/US04/40729 | MTV-069.25              | 1702 | \$1,134.00   | \$16,943.00 |
| 12/10 396 | PCT/US04/40729 | MTV-069.25              | 1703 | \$744.00     | \$16,199.00 |
| 12/10 397 | PCT/US04/40729 | MTV-069.25              | 8007 | \$20.00      | \$16,179.00 |
| 12/13 1   | 09545208       | 11504-002001            | 2801 | \$395.00     | \$15,784.00 |
| 12/13 5   | 09545208       | 11504-002001            | 2253 | \$490.00     | \$15,294.00 |
| 12/13 20  | 09934250       | GPT-029.01              | 2253 | \$510.00     | \$14,784.00 |
| 12/13 34  | 10766300       | SPV-042.02              | 1501 | \$30.00      | \$14,754.00 |
| 12/13 172 | 09879736       |                         | 8021 | \$40.00      | \$14,714.00 |
| 12/13 173 | 10638818       |                         | 8021 | \$40.00      | \$14,674.00 |
| 12/13 174 | 10944563       |                         | 8021 | \$40.00      | \$14,634.00 |
| 12/13 175 | 10955466       |                         | 8021 | \$40.00      | \$14,594.00 |
| 12/13 255 | 11007927       | IPT-070.02              | 1011 | \$300.00     | \$14,294.00 |
| 12/13 256 | 11007927       | IPT-070.02              | 1111 | \$600.00     | \$13,794.00 |
| 12/13 257 | 11007927       | IPT-070.02              | 1311 | \$200.00     | \$13,594.00 |
| 12/13 270 | PCT/US04/40517 | BWY-012.25              | 1601 | \$300.00     | \$13,294.00 |
| 12/13 271 | PCT/US04/40517 | BWY-012.25              | 1602 | \$1,000.00   | \$12,294.00 |
| 12/13 272 | PCT/US04/40517 | BWY-012.25              | 1702 | \$1,134.00   | \$11,160.00 |
| 12/13 273 | PCT/US04/40517 | BWY-012.25              | 8007 | \$20.00      | \$11,140.00 |
| 12/13 426 | 10504039       |                         | 8021 | \$40.00      | \$11,100.00 |
| 12/14 10  | 08624735       |                         | 9204 | -\$300.00    | \$11,400.00 |
| 12/14 68  | 10089755       | P51036                  | 1501 | \$1,400.00   | \$10,000.00 |
| 12/14 69  | 10089755       | P51036                  | 8001 | \$30.00      | \$9,970.00  |
| 12/14 78  | 09879736       |                         | 8021 | \$40.00      | \$9,930.00  |
| 12/14 79  | 10638818       |                         | 8021 | \$40.00      | \$9,890.00  |
| 12/14 80  | 10944563       |                         | 8021 | \$40.00      | \$9,850.00  |
| 12/14 81  | 10955466       |                         | 8021 | \$40.00      | \$9,810.00  |
| 12/14 96  | 10631480       |                         | 8021 | \$40.00      | \$9,770.00  |
| 12/14 271 | PCT/US04/40962 | SPV-069.25              | 1601 | \$300.00     | \$9,470.00  |
| 12/14 272 | PCT/US04/40962 | SPV-059.25              | 1704 | \$1,920.00   | \$7,550.00  |
| 12/14 273 | PCT/US04/40962 | SPV-059.25              | 1702 | \$1,134.00   | \$6,416.00  |
| 12/14 274 | PCT/US04/40962 | SPV-059.25              | 1703 | \$4,356.00   | \$2,060.00  |
| 12/14 275 | PCT/US04/40962 | SPV-059.25              | 8007 | \$60.00      | \$2,000.00  |
| 12/14 490 | 10699587       |                         | 8021 | \$40.00      | \$1,960.00  |
| 12/16 64  | 60635832       | TRA-011.60              | 2005 | \$100.00     | \$1,860.00  |
| 12/16 75  | 60586118       | ISA-029.60 (24922-2960) | 8007 | \$20.00      | \$1,840.00  |
| 12/17 1   | PCT/US03/38191 | JHV-028.25              | 1703 | \$1,236.00   | \$604.00    |
| 12/17 7   | 10912871       | MBP-002.03              | 2201 | \$264.00     | \$340.00    |
| 12/17 8   | 10912871       | MBP-002.03              | 2202 | \$9.00       | \$331.00    |
| 12/17 9   | 10771519       | SPV-041.03              | 1202 | \$306.00     | \$25.00     |
| 12/17 10  | 10771519       | SPV-041.03              | 1202 | \$18.00      | \$7.00      |
| 12/21 1   | PAYMENT        |                         | 9203 | -\$45,512.00 | \$45,519.00 |
| 12/21 6   | 09965654       | IPT-002.02              | 2453 | \$685.00     | \$44,834.00 |

## Deposit Account Statement

Page 3 of 4

|           |                |                          |      |            |             |
|-----------|----------------|--------------------------|------|------------|-------------|
| 12/21 31  | 6251363        | MAA-013.02               | 2551 | \$450.00   | \$44,384.00 |
| 12/21 115 | 5587398        |                          | 2552 | \$1,150.00 | \$43,234.00 |
| 12/21 116 | 5587398        |                          | 2555 | \$85.00    | \$43,169.00 |
| 12/21 121 | 10370268       |                          | 8021 | \$40.00    | \$43,129.00 |
| 12/21 159 | 10926284       | IPT-014.02               | 2001 | \$395.00   | \$42,734.00 |
| 12/21 160 | 10926284       | IPT-014.02               | 2201 | \$100.00   | \$42,634.00 |
| 12/21 161 | 10926284       | IPT-014.02               | 2202 | \$1,025.00 | \$41,609.00 |
| 12/21 566 | 60603464       |                          | 8021 | \$40.00    | \$41,569.00 |
| 12/21 575 | 60606681       |                          | 8021 | \$40.00    | \$41,529.00 |
| 12/22 1   | 10130951       | 033388-509               | 2255 | \$1,080.00 | \$40,449.00 |
| 12/22 286 | 11015311       | ISA-019.01               | 1011 | \$300.00   | \$40,149.00 |
| 12/22 287 | 11015311       | ISA-019.01               | 1111 | \$500.00   | \$39,649.00 |
| 12/22 288 | 11015311       | ISA-019.01               | 1311 | \$200.00   | \$39,449.00 |
| 12/22 289 | 09832658       |                          | 8021 | \$40.00    | \$39,409.00 |
| 12/22 289 | 11015311       | ISA-019.01               | 1202 | \$500.00   | \$38,909.00 |
| 12/22 295 | 10802540       |                          | 8021 | \$40.00    | \$38,869.00 |
| 12/22 307 | 10868673       |                          | 8021 | \$40.00    | \$38,829.00 |
| 12/23 9   | 10441156       | BAK-045.03               | 1501 | \$1,400.00 | \$37,429.00 |
| 12/23 10  | 10441156       | BAK-045.03               | 1504 | \$300.00   | \$37,129.00 |
| 12/23 67  | 60553275       | ISA-019.60 (15.03.04)    | 8007 | \$20.00    | \$37,109.00 |
| 12/23 73  | 10926284       | IPT-014.02               | 2051 | \$65.00    | \$37,044.00 |
| 12/23 103 | 60509093       | ISA-011.60 (24922-1160)  | 8007 | \$20.00    | \$37,024.00 |
| 12/23 261 | 11015894       | FWY-002.01               | 2011 | \$150.00   | \$36,874.00 |
| 12/23 262 | 11015894       | FWY-002.01               | 2201 | \$800.00   | \$36,074.00 |
| 12/23 263 | 11015894       | FWY-002.01               | 2202 | \$1,925.00 | \$34,149.00 |
| 12/23 264 | 11015894       | FWY-002.01               | 2111 | \$250.00   | \$33,899.00 |
| 12/23 265 | 11015894       | FWY-002.01               | 2311 | \$100.00   | \$33,799.00 |
| 12/23 770 | 10884022       |                          | 8021 | \$40.00    | \$33,759.00 |
| 12/27 7   | 60509093       | ISA-001.01 (24922-1101)  | 8021 | \$80.00    | \$33,679.00 |
| 12/27 48  | 29219706       | QSL-701.01               | 2012 | \$100.00   | \$33,579.00 |
| 12/27 49  | 29219706       | QSL-701.01               | 2112 | \$50.00    | \$33,529.00 |
| 12/27 50  | 29219706       | QSL-701.01               | 2312 | \$65.00    | \$33,464.00 |
| 12/27 152 | 60553275       | ISA-019.60               | 8007 | \$20.00    | \$33,444.00 |
| 12/27 286 | 60637665       | PRC-013.60               | 2005 | \$100.00   | \$33,344.00 |
| 12/28 16  | 29219739       | QSL-703.01 (23424-70301) | 2012 | \$100.00   | \$33,244.00 |
| 12/28 17  | 29219739       | QSL-703.01 (23424-70301) | 2112 | \$50.00    | \$33,194.00 |
| 12/28 18  | 29219739       | QSL-703.01 (23424-70301) | 2312 | \$65.00    | \$33,129.00 |
| 12/28 19  | 29219740       | QSL-702.01 (23424-70201) | 2012 | \$100.00   | \$33,029.00 |
| 12/28 20  | 29219740       | QSL-702.01 (23424-70201) | 2112 | \$50.00    | \$32,979.00 |
| 12/28 21  | 29219740       | QSL-702.01 (23424-70201) | 2312 | \$65.00    | \$32,914.00 |
| 12/28 36  | 10053082       | ARA-00101                | 2263 | \$510.00   | \$32,404.00 |
| 12/28 46  | 6800735        |                          | 1464 | \$130.00   | \$32,274.00 |
| 12/28 47  | 6800735        |                          | 1811 | \$100.00   | \$32,174.00 |
| 12/28 85  | 08790043       | GM50005                  | 1801 | \$790.00   | \$31,384.00 |
| 12/28 86  | 08790043       | GM50005                  | 1253 | \$1,020.00 | \$30,364.00 |
| 12/28 103 | PCT/US04/41681 | GAO-001.25               | 1601 | \$300.00   | \$30,064.00 |
| 12/28 104 | PCT/US04/41681 | GAO-001.25               | 1803 | \$300.00   | \$29,764.00 |
| 12/28 105 | PCT/US04/41681 | GAO-001.25               | 1702 | \$1,134.00 | \$28,630.00 |

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|           |  |      |            |             |
|-----------|--|------|------------|-------------|
| 12/28 106 | PCT/US04/41681 GAO-001.25              | 1703 | \$168.00   | \$28,462.00 |
| 12/28 107 | PCT/US04/41681 GAO-001.25              | 8007 | \$20.00    | \$28,442.00 |
| 12/28 117 | 60626078 TUV-038.60                    | 2005 | \$100.00   | \$28,342.00 |
| 12/28 118 | 60626078 TUV-038.60                    | 2052 | \$25.00    | \$28,317.00 |
| 12/29 10  | 09697233 NMC00301                      | 2801 | \$395.00   | \$27,922.00 |
| 12/29 11  | 09697233 NMC00301                      | 2251 | \$60.00    | \$27,862.00 |
| 12/29 53  | PCT/US04/42588 HUV-064.25              | 1601 | \$300.00   | \$27,562.00 |
| 12/29 54  | PCT/US04/42588 HUV-064.25              | 1602 | \$1,000.00 | \$26,562.00 |
| 12/29 55  | PCT/US04/42588 HUV-064.25              | 1702 | \$1,134.00 | \$26,428.00 |
| 12/29 56  | PCT/US04/42588 HUV-064.25              | 1703 | \$876.00   | \$24,552.00 |
| 12/29 57  | PCT/US04/42588 HUV-064.25              | 8007 | \$20.00    | \$24,532.00 |
| 12/29 88  | 6261103 IWM-001.01                     | 2551 | \$450.00   | \$24,082.00 |
| 12/29 146 | 10803810 IPT-100.01                    | 2001 | \$395.00   | \$23,687.00 |
| 12/29 147 | 10803810 IPT-100.01                    | 2051 | \$65.00    | \$23,622.00 |
| 12/29 148 | 10803810 IPT-100.01                    | 2202 | \$3,750.00 | \$19,872.00 |
| 12/29 180 | 11020626 BWY-013.01                    | 2011 | \$150.00   | \$19,722.00 |
| 12/29 181 | 11020626 BWY-013.01                    | 2111 | \$250.00   | \$19,472.00 |
| 12/29 182 | 11020626 BWY-013.01                    | 2311 | \$100.00   | \$19,372.00 |
| 12/29 189 | 10471881 JHV-01801                     | 1806 | \$180.00   | \$19,192.00 |
| 12/30 1   | 10803810 IPT-100.01                    | 2255 | \$1,080.00 | \$18,112.00 |
| 12/30 11  | 10930717 ISA-011.01                    | 1001 | \$790.00   | \$17,322.00 |
| 12/30 12  | 10930717 ISA-011.01                    | 1051 | \$130.00   | \$17,192.00 |
| 12/30 13  | 10930717 ISA-011.01                    | 1203 | \$360.00   | \$16,832.00 |
| 12/30 38  | 29220014 QSL-705.01 (23424-70501) 2012 |      | \$100.00   | \$16,732.00 |
| 12/30 39  | 29220014 QSL-705.01 (23424-70501) 2112 |      | \$50.00    | \$16,682.00 |
| 12/30 40  | 29220014 QSL-705.01 (23424-70501) 2312 |      | \$65.00    | \$16,617.00 |

| START<br>BALANCE | SUM OF<br>CHARGES | SUM OF<br>REPLENISH | END<br>BALANCE          |
|------------------|-------------------|---------------------|-------------------------|
| \$30,403.00      | \$59,598.00       |                     | \$45,812.00 \$16,617.00 |

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## Deposit Account Statement

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**Deposit Account Statement**

**Requested Statement Month:** January 2005  
**Deposit Account Number:** 061448  
**Name:** FOLEY,HOAG & ELIOT LLP  
**Attention:** PATENT GROUP  
**Address:** 155 SEAPORT BLVD  
**City:** BOSTON  
**State:** MA  
**Zip:** 02109  
**Country:** UNITED STATES OF AMERICA

| DATE  | SEQ | POSTING<br>REF | ATTORNEY<br>DOCKET<br>NBR | FEE<br>CODE | AMT        | BAL         |
|-------|-----|----------------|---------------------------|-------------|------------|-------------|
| 01/03 | 11  | PCT/US04/42938 | SPV-060.25                | 1601        | \$300.00   | \$16,317.00 |
| 01/03 | 12  | PCT/US04/42938 | SPV-060.25                | 1704        | \$1,920.00 | \$14,397.00 |
| 01/03 | 13  | PCT/US04/42938 | SPV-060.25                | 1702        | \$1,134.00 | \$13,263.00 |
| 01/03 | 14  | PCT/US04/42938 | SPV-060.25                | 1703        | \$1,128.00 | \$12,135.00 |
| 01/03 | 15  | PCT/US04/42938 | SPV-060.25                | 8007        | \$40.00    | \$12,095.00 |
| 01/03 | 28  | 10928053       | NVO-005.01                | 1051        | \$130.00   | \$11,965.00 |
| 01/03 | 281 | PCT/US04/43291 | MTV-072.25                | 1601        | \$300.00   | \$11,665.00 |
| 01/03 | 282 | PCT/US04/43291 | MTV-072.25                | 1602        | \$1,000.00 | \$10,665.00 |
| 01/03 | 283 | PCT/US04/43291 | MTV-072.25                | 1702        | \$1,134.00 | \$9,531.00  |
| 01/03 | 284 | PCT/US04/43291 | MTV-072.25                | 1703        | \$1,044.00 | \$8,487.00  |
| 01/03 | 285 | PCT/US04/43291 | MTV-072.25                | 8007        | \$20.00    | \$8,467.00  |
| 01/03 | 703 | 29214258       |                           | 8021        | \$40.00    | \$8,427.00  |
| 01/04 | 16  | 10476947       | ISA-022.01                | 8021        | \$40.00    | \$8,387.00  |
| 01/04 | 61  | 09930738       |                           | 2501        | \$700.00   | \$7,687.00  |
| 01/04 | 62  | 09930738       |                           | 1504        | \$300.00   | \$7,387.00  |
| 01/04 | 63  | 09930738       |                           | 8001        | \$30.00    | \$7,357.00  |
| 01/04 | 107 | PCT/US04/42093 | CPX-007.25                | 1601        | \$300.00   | \$7,057.00  |
| 01/04 | 108 | PCT/US04/42093 | CPX-007.25                | 1602        | \$1,000.00 | \$6,057.00  |
| 01/04 | 109 | PCT/US04/42093 | CPX-007.25                | 1702        | \$1,134.00 | \$4,923.00  |
| 01/04 | 110 | PCT/US04/42093 | CPX-007.25                | 1703        | \$372.00   | \$4,551.00  |
| 01/04 | 111 | PCT/US04/42093 | CPX-007.25                | 8007        | \$40.00    | \$4,511.00  |
| 01/04 | 123 | 10884022       | HMV-089.02                | 1001        | \$790.00   | \$3,721.00  |
| 01/04 | 124 | 10884022       | HMV-089.02                | 1051        | \$130.00   | \$3,591.00  |
| 01/04 | 125 | 10301516       | HMV-084.01                | 1806        | \$180.00   | \$3,411.00  |
| 01/04 | 125 | 10884022       | HMV-089.02                | 1252        | \$450.00   | \$2,961.00  |
| 01/05 | 45  | PCT/US04/43162 | IPX-006.25                | 1601        | \$300.00   | \$2,661.00  |
| 01/05 | 46  | PCT/US04/43162 | IPX-006.25                | 1702        | \$1,134.00 | \$1,527.00  |

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|-----------|---------------------------------------|------|--------------|-------------|
| 01/05 47  | PCT/US04/43162 IPX-006.25             | 8007 | \$160.00     | \$1,367.00  |
| 01/05 48  | PCT/US04/43162 IPX-006.25             | 1703 | \$1,356.00   | \$11.00     |
| 01/06 2   | 10633177 STE-023.01                   | 1253 | \$1,020.00   | -\$1,009.00 |
| 01/06 8   | 10500795 GPT-030.01                   | 2610 | -\$385.00    | -\$624.00   |
| 01/06 9   | 10500795 GPT-030.01                   | 2617 | -\$65.00     | -\$559.00   |
| 01/06 10  | PAYMENT                               | 9203 | -\$42,558.00 | \$41,999.00 |
| 01/06 10  | 10500795 GPT-030.01                   | 2613 | \$460.00     | \$41,538.00 |
| 01/06 19  | 10744964 HMV-041.03                   | 2251 | \$55.00      | \$41,484.00 |
| 01/06 149 | 11015894 FWY-002.01                   | 8021 | \$40.00      | \$41,444.00 |
| 01/06 221 | 10519525 ISA-032.01                   | 1631 | \$300.00     | \$41,144.00 |
| 01/06 222 | 10519525 ISA-032.01                   | 1632 | \$500.00     | \$40,644.00 |
| 01/06 223 | 10519525 ISA-032.01                   | 1633 | \$200.00     | \$40,444.00 |
| 01/06 224 | 10519525 ISA-032.01                   | 1617 | \$130.00     | \$40,314.00 |
| 01/06 225 | 10519525 ISA-032.01                   | 1615 | \$300.00     | \$40,014.00 |
| 01/06 254 | PCT/US04/43758 BYW-013.25             | 1601 | \$300.00     | \$39,714.00 |
| 01/06 255 | PCT/US04/43758 BYW-013.25             | 1602 | \$1,000.00   | \$38,714.00 |
| 01/06 256 | PCT/US04/43758 BYW-013.25             | 1702 | \$1,134.00   | \$37,580.00 |
| 01/06 257 | PCT/US04/43758 BYW-013.25             | 1703 | \$480.00     | \$37,100.00 |
| 01/06 258 | PCT/US04/43758 BYW-013.25             | 8007 | \$20.00      | \$37,080.00 |
| 01/06 514 | PCT/US04/43745 TUV-033.25             | 1601 | \$300.00     | \$36,780.00 |
| 01/06 515 | PCT/US04/43745 TUV-033.25             | 1602 | \$1,000.00   | \$35,780.00 |
| 01/06 516 | PCT/US04/43745 TUV-033.25             | 1702 | \$1,134.00   | \$34,646.00 |
| 01/06 517 | PCT/US04/43745 TUV-033.25             | 1703 | \$732.00     | \$33,914.00 |
| 01/06 518 | PCT/US04/43745 TUV-033.25             | 8007 | \$20.00      | \$33,894.00 |
| 01/07 8   | 10448736 SUW-007.04                   | 2253 | \$510.00     | \$33,384.00 |
| 01/07 9   | 10448736 SUW-007.04                   | 2202 | \$325.00     | \$33,059.00 |
| 01/07 51  | PCT/US04/01209                        | 8021 | \$40.00      | \$33,019.00 |
| 01/07 63  | PCT/US04/01209                        | 8021 | \$40.00      | \$32,979.00 |
| 01/07 68  | PCT/US40/01209                        | 8021 | \$40.00      | \$32,939.00 |
| 01/07 70  | PCT/US40/01209                        | 8021 | \$40.00      | \$32,899.00 |
| 01/07 77  | PCT/US40/01209                        | 8021 | \$40.00      | \$32,859.00 |
| 01/07 201 | 10309951 AMY-005.01                   | 1501 | \$1,400.00   | \$31,459.00 |
| 01/07 202 | 10309951 AMY-005.01                   | 1504 | \$300.00     | \$31,159.00 |
| 01/07 257 | 6263229 SUW-003.01                    | 2551 | \$450.00     | \$30,709.00 |
| 01/10 1   | 10766756 PMX-003.03                   | 2814 | \$65.00      | \$30,644.00 |
| 01/10 21  | 11020626 BWY-013.01                   | 8021 | \$40.00      | \$30,604.00 |
| 01/10 120 | 09832323 BSC-006.1                    | 1501 | \$1,400.00   | \$29,204.00 |
| 01/10 121 | 09832323 BSC-005.1                    | 1504 | \$300.00     | \$28,904.00 |
| 01/10 450 | PCT/US04/18340 GUX-007.25 (24201-725) | 1605 | \$600.00     | \$28,304.00 |
| 01/10 451 | PCT/US04/18340 GUX-007.25 (24201-725) | 1705 | \$162.00     | \$28,142.00 |
| 01/10 452 | PCT/US04/18848 APX-026.25             | 1605 | \$600.00     | \$27,542.00 |
| 01/10 453 | PCT/US04/18848 APX-026.25             | 1705 | \$162.00     | \$27,380.00 |
| 01/11 1   | 09700139 HAS-008.01                   | 1402 | \$340.00     | \$27,040.00 |
| 01/11 129 | 10723522 GIO-001.01                   | 1463 | \$200.00     | \$26,840.00 |
| 01/12 22  | 10633177                              | 1463 | \$200.00     | \$26,640.00 |
| 01/12 24  | 10407028 IPT-064.01                   | 1251 | \$120.00     | \$26,520.00 |
| 01/12 41  | PCT/US04/43308                        | 1601 | \$300.00     | \$26,220.00 |
| 01/12 42  | PCT/US04/43308                        | 1704 | \$1,920.00   | \$24,300.00 |